

1 John L. Cooper (State Bar No. 050324)
jcooper@fbm.com
2 Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
3 San Francisco, CA 94104
Telephone: (415) 954-4400
4 Facsimile: (415) 954-4480

5 || Attorneys for Rule 706 Expert, Dr. James R. Kearl

6

7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 || ORACLE AMERICA, INC.

13 Plaintiff,

14 || vs.

15 | GOOGLE, INC.,

16 || Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF DR. JAMES R.
KEARL IN SUPPORT OF
RESPONSE OF DR. JAMES R. KEARL,
RULE 706 EXPERT, TO ORACLE'S
RESPONSE TO GOOGLE'S MOTION TO
STRIKE TESTIMONY OF JAMES R.
KEARL**

Dept.: Courtroom 8, 19th Floor

Dept. Courtroom 3, 19th Floor
Judge: Hon. William H. Alsup

20

21

I, James R. Kearl, declare as follows:

1

22

23

24

25

26

27

1. By Orders dated August 30, 2011 (Dkt. 374) and September 9, 2011 (Dkt. 413) I was appointed by this Court pursuant to Rule 706 of the Federal Rules of Evidence to serve as an independent expert on the issue of damages claimed by plaintiff Oracle America, Inc. in the present action. My biographical information and credentials are set forth in my expert report dated March 21, 2012 which has been previously served on the parties.

2. Attached hereto as Exhibit A are true and correct copies of excerpts from the Expert Report of Professor James R. Kearl (Corrected March 21, 2016).

3. Attached hereto as Exhibit B are true and correct copies of excerpts from the Expert Report of Professor James R. Kearl (Corrected March 21, 2016).

I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

Executed this 13th day of April 2016 at Provo, Utah.

/s/ James R. Kearl
James R. Kearl

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

/s/ John L. Cooper
John L. Cooper